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10/840,171	05/06/2004	Oliver Birch	CHA920030032US1	7523

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EXAMINER
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ART UNIT	PAPER NUMBER
2614	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *06 May 2004*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *15,22 and 26* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *15, 22, 26* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment filed on June 16, 2008 has been entered. Claims **15** and

22 have been emended. Claims 1-14, 16-21, 23-25, and 27-28 have been canceled. No

claims have been added. Claims **15**, **22**, and 26 are still pending in this application, with

claims **15** and **22** being independent.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

    1.   Determining the scope and contents of the prior art.
    2.   Ascertaining the differences between the prior art and the claims at issue.
    3.   Resolving the level of ordinary skill in the pertinent art.
    4.   Considering objective evidence present in the application indicating
            obviousness or nonobviousness.

4.   Claims 15, 22, and 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Crockett et al. (U.S. Patent Number 7,336,771 hereinafter

"Crockett"), in view of Guigui (U.S. Publication Number 2004/0186901 A1).

Regarding claim 15, Crockett teaches a method of providing a voice dialogue in a telephone network (Fig. 1, Figs. 2A-2B), said method comprising:

initiating a telephone call (Fig. 1, 20 Outside Party Phone, 40 VXML Platform, 24 Signal Switching Point (SSP), Figs. 2A-2B, step 210 Route Call, column 12, lines 36-40);

routing said telephone call (Fig. 1, 20) to a voice processor (Fig. 1, 40) based upon a call control protocol (Fig. 1, Fig. 2B, steps 214-216, step 240, column 15, lines 14-18, i.e., call control protocol SR-3511 is originally known as SR-2911), wherein said voice processor (Fig. 1, 40 VXML Platform) provides voice communications between a telephone user and a machine (Fig. 1, 20 Outside Party Phone, 40 VXML Platform), wherein said routing process routes said telephone call to a voice extensible markup language browser (Fig. 1, 20, 40, Fig. 2B, steps 214-216, step 240, column 15, lines 20-25, i.e., SSP 24 connects the outside party telephone 20 to the VXML Platform 40), and wherein said call control protocol is not publicly available (Fig. 1, 23 Service Control Point (SCP), 40, Fig. 2B, steps 242, 244, 246, column 15, lines 31-41, i.e., call control protocol from SCP 23 to the VXML Platform 40 via the intranet 50 "not publicly available", the intranet is used for call control protocol and therefore "not publicly available" is inherent by design, , and column 24, lines 4-9, i.e., call control protocol SR-3511 is originally known as SR-2911) and said voice extensible markup language is publicly available (Fig. 1, Fig. 2B, step 248, step 250, column 15, lines 42-48, i.e., VXML Platform 40 is directly connected to the calling party and therefore the voice extensible markup language (VXML) is publicly available by design); and

converting (Fig. 1, 40, 42-47) said call control protocol to a voice extensible

markup language (Fig. 1, 40), wherein said converting process is performed by a

converter connected to said browser (Fig. 1, 40, Fig. 2B, steps 242, 244, 246, 252, 254,

column 15 line 49 through column 16 line 2), and wherein said converting process

comprises using a Hypertext Transfer Protocol (HTTP) server (Fig. 1, 40, 45-47, column

10, lines 11-17), using an Advanced Intelligent Network Session Coordinator (Fig. 1,

column 4, lines 24-32), and using a Call Control Protocol to Voice Extensible Markup

Language (XML) Converter (Fig. 1, 40, 42, column 4, lines 10-23, column 8 lines 44-

57).

However, Crockett does not specifically disclose the term "a converter" in the

VXML Platform 40 (Fig. 1, 40), even though Crockett teaches the VXML Platform

includes the VXML Interpreter 42, Speech Recognition 44, Text-to-Speech 45,

Document/Application Server 47 (Fig. 1, 40, 42, 44, 45, 47) and the use of a VXML

Interpreter to interact with the calling party to determined data associated with the

Advanced Intelligent Network (AIN) telephony service for routing the call through the

Public Switched Telephony Network (PSTN) in accordance to the determined data and

the AIN telephony service, and the VXML Platform communicates with the AIN network

using call control protocols such as TCAP over TCP/IP, SIP, and HTTP (Fig. 1, Figs. 1-

7, column 4, line 37 through column 5, line 4, and column 8, lines 44-57).

In the same field of endeavor, Guigui teaches a converter (Guigui – Fig. 1, paragraph [0039], i.e., XML converter) connected to a service control point for the purpose of communicating with the service control point using a call control protocol [Guigui – Fig. 1, paragraph [0038], i.e., TCAP, MAP) and converting said call control protocol to an extensible markup language (Guigui – Fig. 1, paragraphs [0039]-[0040]).

It would have been obvious to a person of ordinary in the art at the time of the invention was made to apply a known technique to a known device (i.e., using a VXML Platform with a converter to convert call control protocol to an extensible markup language) ready for improvement to yield predictable results (see KSR – MPEP 2143). Therefore, it would have been obvious to a person of ordinary in the art to incorporate the use of a converter in a VXML Platform, as taught by Guigui, into the method and system of Crockett in order to enhance the use of VXML Platform in an AIN communication network.

Regarding claim 22, Crockett teaches a method of providing a voice dialogue in a telephone network (Fig. 1, Figs. 2A-2B), said method consisting of:

directing a telephone call to a switch (Fig. 1, 20 Outside Party Phone, 24 Signal Switching Point (SSP), Figs. 2A-2B, step 210 Route Call, column 12, lines 36-40);

requesting, by said switch (Fig. 1, 24), routing instructions from a control point (Fig.1, 24, Fig. 2B, steps 212-214, column 12, lines 45-60);

routing said telephone call (Fig. 2B, 20) to a voice Extensible Markup Language

(XML) browser (Fig. 2B, 40) according to said routing instructions, wherein said routing

process routes said telephone call to a voice extensible markup language browser (Fig.

1, 24, 40, Fig. 2B, 24, 40, steps 216-240 Route Call, column 15, lines 20-25, i.e., SSP

24 routes the said telephone call to VXML Platform 40 using signaling system 7 (SS7));

forwarding a request for voice instructions from said XML browser to a call

control protocol to voice XML converter (Fig. 1, 40, 42, 45-47), wherein said call control

protocol is not publicly available (Fig. 1, 23 Service Control Point (SCP), 40, 42, Fig. 2B,

steps 242, 244, 246, column 15, lines 31-41, i.e., call control protocol from SCP 23 to

the VXML Platform 40 via the intranet 50 "not publicly available", the intranet is used for

call control protocol and therefore "not publicly available" is inherent by design, and

column 24, lines 4-9, i.e., call control protocol SR-3511 is originally known as SR-2911)

and said voice extensible markup language is publicly available (Fig. 1, Fig. 2B, step

248, step 250, column 15, lines 42-48, i.e., VXML Platform 40 is directly connected to

the calling party and therefore the voice extensible markup language (VXML) is publicly

available by design);

converting (Fig. 1, 40, 42-47) said request for voice instructions to said call

control protocol using said converter, wherein said converting process is performed by a

converter connected to said browser (Fig. 1, 40, Fig. 2B, steps 242, 244, 246, 252, 254,

column 15 line 49 through column 16 line 2), and wherein said converting process

comprises using a Hypertext Transfer Protocol (HTTP) server (Fig. 1, 40, 45-47, column

10, lines 11-17), using an Advanced Intelligent Network Session Coordinator (Fig. 1,

column 4, lines 24-32), and using a Call Control Protocol to Voice Extensible Markup

Language (XML) Converter (Fig. 1, 40, 42, column 4, lines 10-23, column 8 lines 44-

57),

  forwarding said request for voice instructions from said converter to said control

point (Fig. 1, 23, 40, Fig. 2B, steps 248-252, column 15, lines 42-48);

  returning voice instructions from said control point to said converter (Fig. 1, 23,

40, Fig. 2B, steps 254, column 15, lines 49-50, i.e., SCP 23 instruct the VXML Platform

40 on how to handle the call);

  converting said voice instructions from said call control protocol to said voice

XML; returning voice instructions from said converter to said voice XML browser; and

executing said voice instructions using said XML browser (Fig. 1, 40, Fig. 2B, steps

254-256, column 15 line 49 through column 16 line 2).

  However, Crockett does not specifically disclose the term "a converter" in the

VXML Platform 40 (Fig. 1, 40), even though Crockett teaches the VXML Platform

includes the VXML Interpreter 42, Speech Recognition 44, Text-to-Speech 45,

Document/Application Server 47 (Fig. 1, 40, 42, 44, 45, 47) and the use of a VXML

Interpreter to interact with the calling party to determined data associated with the

Advanced Intelligent Network (AIN) telephony service for routing the call through the

Public Switched Telephony Network (PSTN) in accordance to the determined data and

the AIN telephony service, and the VXML Platform communicates with the AIN network

using call control protocols such as TCAP over TCP/IP, SIP, and HTTP (Fig. 1, Figs. 1-

7, column 4, line 37 through column 5, line 4, and column 8, lines 44-57).

In the same field of endeavor, Guigui teaches a converter (Guigui – Fig. 1,

paragraph [0039], i.e., XML converter) connected to a service control point for the

purpose of communicating with the service control point using a call control protocol

[Guigui – Fig. 1, paragraph [0038], i.e., TCAP, MAP) and converting said call control

protocol to an extensible markup language (Guigui – Fig. 1, paragraphs [0039]-[0040]).

It would have been obvious to a person of ordinary in the art at the time of the

invention was made to apply a known technique to a known device (i.e., using a VXML

Platform with a converter to convert call control protocol to an extensible markup

language) ready for improvement to yield predictable results (see KSR – MPEP 2143).

Therefore, it would have been obvious to a person of ordinary in the art to incorporate

the use of a converter in a VXML Platform, as taught by Guigui, into the method and

system of Crockett in order to enhance the use of VXML Platform in an AIN

communication network.

Regarding claim 26, Crockett teaches a method, wherein said voice processor

(Fig. 1, 40 VXML Platform) provides voice communications between a telephone user

and a machine (Figs. 1-7, column 1, lines 16-21, i.e., the present invention provides call

services in an AIN network based on a voice browser software using extensible markup

language for voice interaction with a telephone user, column 5, lines 40-43, i.e., VXML

Platform "machine" connected to the calling party "telephone user" in response to the

call, and lines 50-54, i.e., VXML Platform "machine" <u>verbally interacts</u> with the calling

party "telephone user").

Response to Arguments

5.   Applicant's arguments with respect to claims 15, 22, and 26 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to KHAI N. NGUYEN whose telephone number is

(571)270-3141. The examiner can normally be reached on Monday - Thursday 6:30AM
- 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ahmad F. Matar can be reached on (571) 272-7488. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. N. N./
Examiner, Art Unit 2614

09/24/2008

/Ahmad F. Matar/
Supervisory Patent Examiner, Art Unit 2614